

CORA M. INGRAM

CLEASTER GROSS, et al

VS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

CASE NO. Not Given

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW

I, Mrs. Agnes Baggett, Secretary of State, hereby certify that on September 23, 1963  
I sent by certified mail in an envelope addressed as follows:

Cleaster Gross  
Robinson Street  
Cantonement, Fla

"Certified Mail—  
Return Receipt Requested  
Deliver to Addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of the State of Alabama in words and figures as follows:

" Cleaster Gross  
Robinson Street  
Cantonement, Fla.

You will take notice that on September 23, 1963 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: CORA M. INGRAM, Plaintiff VS CLEASTER GROSS, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW.  
Case No. Not Given a true copy of which summons and complaint is attached hereto and the said service upon me as Secretary of State of the State of Alabama has the force and effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 23rd  
day of September, 1963

Enclosure (1)

(Signed) Mrs. Agnes Baggett  
Secretary of State"

I further certify that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the summons and complaint in the above-styled cause.

I further certify that on September 26, 1963 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Cantonement, Fla  
on September 25, 1963

WITNESS MY HAND and the Great Seal of the State of Alabama this the 27th day  
of September, 1963

*Mrs. Agnes Baggett*  
Mrs. Agnes Baggett  
Secretary of State

Enclosures: Return Receipt Card and copy  
of Summons and Complaint.

Harry J. Wilters Jr  
Wilters & Brantley  
Bay Minette, Ala.

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Karl P. Noltensmeier, Mick Hemmert d/b/a Gulf Spreader Service, Paul David Seigler and Cleaster Gross to appear within thirty days from the service of this writ in the Circuit Court, to be held for said county at the place of holding the same, then and there to answer the complaint of Cora M. Ingram.

Witness my hand, this 19 day of September, 1963.

Alice J. Luck  
Clerk

CORA M. INGRAM,

I

Plaintiff, I

Vs.

I

IN THE CIRCUIT COURT OF

KARL P. NOLTENSMEIER, NICK  
HEMMERT d/b/a Gulf Spreader  
Service, PAUL DAVID SEIGLER  
and CLEASTER GROSS, jointly  
and severally,

I

BALDWIN COUNTY, ALABAMA

I

AT LAW

I

5717

Defendants. I

1.

Plaintiff claims of the Defendants the sum of FIVE THOUSAND DOLLARS (\$5,000.00) damages, for that heretofore on, to-wit, the 21st day of September, 1962, the Plaintiff, Cora M. Ingram, and both Defendants, Karl P. Noltensmeier and Paul David Seigler were each operating respective motor vehicles on U. S. Highway #90 at a point, to-wit, 2 miles South of the town limits of the Town of Loxley, Alabama; said Highway #90 being a public road in Baldwin County, Alabama; Plaintiff alleges that at said time and place, the Defendants, Karl P. Noltensmeier and Paul David Seigler each so negligently operated their respective motor vehicles on said Highway #90 so as to collide with the Plaintiff's automobile, and as a direct and proximate result of the combined and concurring negligence of Defendants as aforesaid, the Plaintiff was injured and damaged as follows: Her body was bruised and her back was sprained and injured, she was made sick and sore, she was caused to incur medical bills for care and treatment and will probably incur such bills in the future. She was caused to suffer mental and physical pain and anguish, still so suffers, and will so suffer in the future; the automobile she was driving was bent, broken and damaged about the rear end and the left side was bent and broken, the frame was bent and the automobile was a total loss.

That at the time and place of the accident aforesaid, the Defendant, Karl P. Noltensmeier was the agent, servant and employee of the Defendant, Nick Hemmert, d/b/a Gulf Spreader Service, and at that time and place, he was acting in the line and scope of his employment as such. The Defendant, Paul David Seigler was at the time and place of the accident the agent, servant and employee of the Defendant, Cleaster Gross, and the accident aforesaid occurred while he was acting within the line and scope of his employment as such.

2.

The Plaintiff avers that the Defendant, Paul David Seigler, was on the date of said accident, to-wit, the 21st day of September, 1962, a non-resident of the State of Alabama; that his present address is General Delivery, Cottage Hill, Florida, and the Plaintiff prays that service of process upon this Defendant may be had in accordance with the provision of the Code of 1940, Title 7, Section 199. The Plaintiff avers that the Defendant, Cleaster Gross, was on the date of said accident, to-wit, the 21st day of September, 1962, a non-resident of the State of Alabama; that his present address is Robinson Street, Cantonment, Florida, and the Plaintiff prays that service of process upon this Defendant may be had in accordance with the provision of the Code of 1940, Title 7, Section 199.

WILTERS & BRANTLEY

BY 

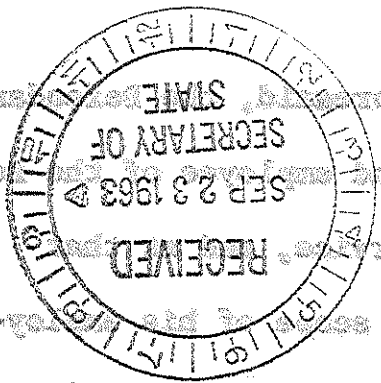
Defendant, Karl P. Noltensmeier, can be served at Elberta, Alabama.

Defendant, Nick Hemmert d/b/a Gulf Spreader Service, can be served at Elberta, Alabama.

FILED

SEP 19 1963

ALICE L. DUCK, CLERK  
REGISTER



That at the time and place of the accident, defendant, Paul David Belger, was the agent, servant and employee of the defendant, Elmer L. Belger, and the accident occurred while he was acting within the time and scope of his employment as such.

2.

The Plaintiff avers that the defendant, Paul David Belger, was on the date of said accident, to-wit, the first day of September, 1963, a non-resident of the State of Alabama; that his present address is General Delivery, Cottage Hill, Florida, and the Plaintiff prays that service of process upon this defendant may be had in accordance with the provision of the Code of 1960, Title 7, Section 199. The Plaintiff avers that the defendant, Elmer L. Belger, was on the date of said accident, to-wit, the first day of September, 1963, a non-resident of the State of Alabama; that his present address is Robinson Street, Montgomery, Florida, and the Plaintiff prays that service of process upon this defendant may be had in accordance with the provision of the Code of 1960, Title 7, Section 199.

WITNESSES:

Defendant, Paul D. Belger, being sworn at Elmore, Alabama.  
Defendant, Elmer L. Belger, being sworn at Elmore, Alabama.

FILED  
SEP 25 1963  
CLERK  
JAMES E. BRYAN

CORA M. INGRAM

VS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY,  
ALABAMA AT LAW

PAUL DAVID SEIGLER, et al

CASE NO. Not Given

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW

I, Mrs. Agnes Baggett, Secretary of State, hereby certify that on September 23, 1963  
I sent by certified mail in an envelope addressed as follows:

Paul David Seigler  
General Delivery  
Cottage Hill, Fla.

"Certified Mail—  
Return Receipt Requested  
Deliver to Addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of the State of Alabama in words and figures as follows:

"  
Paul David Seigler  
General Delivery  
Cottage Hill, Fla.

You will take notice that on September 23, 1963 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: CORA M. INGRAM, Plaintiff VS PAUL DAVID SEIGLER, et al, Defendants

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW

in the  
Case No. Not Given a true copy of which summons and complaint is attached hereto and the said service upon me as Secretary of State of the State of Alabama has the force and effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 23rd  
day of September, 1963

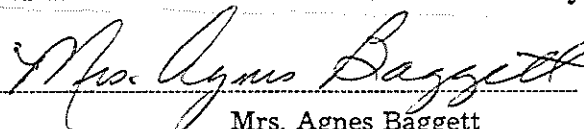
Enclosure (1)

(Signed) Mrs. Agnes Baggett  
Secretary of State"

I further certify that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the summons and complaint in the above-styled cause.

I further certify that on October 7, 1963 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Cottage Hill, Fla  
on October 5, 1963

WITNESS MY HAND and the Great Seal of the State of Alabama this the 7th day  
of October, 1963

  
Mrs. Agnes Baggett  
Secretary of State

Enclosures: Return Receipt Card and copy  
of Summons and Complaint.

Hon. Harry J. Wilters Jr  
Wilters & Brantley  
Bay Minette, Alabama.

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Karl F. Noltensmeier, Nick Hemmert d/b/a Gulf Spreader Service, Paul David Seigler and Cleaster Gross to appear within thirty days from the service of this writ in the Circuit Court, to be held for said county at the place of holding the same, then and there to answer the complaint of Cora M. Ingram.

Witness my hand, this 19 day of September, 1963.

Alice J. Cook  
Clerk

CORA M. INGRAM,

Plaintiff,

Vs.

KARL P. NOLTENSMEIER, NICK  
HEMMERT d/b/a Gulf Spreader  
Service, PAUL DAVID SEIGLER  
and CLEASTER GROSS, jointly  
and severally,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

1.

Plaintiff claims of the Defendants the sum of FIVE THOUSAND DOLLARS (\$5,000.00) damages, for that heretofore on, to-wit, the 21st day of September, 1962, the Plaintiff, Cora M. Ingram, and both Defendants, Karl P. Noltensmeier and Paul David Seigler were each operating respective motor vehicles on U. S. Highway #90 at a point, to-wit, 2 miles South of the town limits of the Town of Loxley, Alabama; said Highway #90 being a public road in Baldwin County, Alabama; Plaintiff alleges that at said time and place, the Defendants, Karl P. Noltensmeier and Paul David Seigler each so negligently operated their respective motor vehicles on said Highway #90 so as to collide with the Plaintiff's automobile, and as a direct and proximate result of the combined and concurring negligence of Defendants as aforesaid, the Plaintiff was injured and damaged as follows: Her body was bruised and her back was sprained and injured, she was made sick and sore, she was caused to incur medical bills for care and treatment and will probably incur such bills in the future. She was caused to suffer mental and physical pain and anguish, still so suffers, and will so suffer in the future; the automobile she was driving was bent, broken and damaged about the rear end and the left side was bent and broken, the frame was bent and the automobile was a total loss.



That at the time and place of the accident aforesaid, the Defendant, Karl P. Noltensmeier was the agent, servant and employee of the Defendant, Nick Hemmert, d/b/a Gulf Spreader Service, and at that time and place, he was acting in the line and scope of his employment as such. The Defendant, Paul David Seigler was at the time and place of the accident the agent, servant and employee of the Defendant, Cleaster Gross, and the accident aforesaid occurred while he was acting within the line and scope of his employment as such.

2.

The Plaintiff avers that the Defendant, Paul David Seigler, was on the date of said accident, to-wit, the 21st day of September, 1962, a non-resident of the State of Alabama; that his present address is General Delivery, Cottage Hill, Florida, and the Plaintiff prays that service of process upon this Defendant may be had in accordance with the provision of the Code of 1940, Title 7, Section 199. The Plaintiff avers that the Defendant, Cleaster Gross, was on the date of said accident, to-wit, the 21st day of September, 1962, a non-resident of the State of Alabama; that his present address is Robinson Street, Cantonment, Florida, and the Plaintiff prays that service of process upon this Defendant may be had in accordance with the provision of the Code of 1940, Title 7, Section 199.

WILTERS & BRANTLEY

BY:

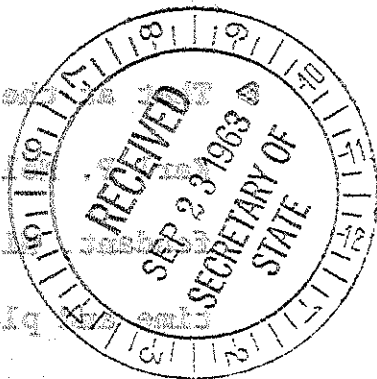
Defendant, Karl P. Noltensmeier, can be served at Elberta, Alabama.

Defendant, Nick Hemmert d/b/a Gulf Spreader Service, can be served at Elberta, Alabama.

FILED

SEP 19 1962

ALICE J. DUCK, CLERK  
REGISTER



...the time and place of the accident aforesaid, the Defendant, ... was the agent, servant and employee of the Defendant, ... and at that ... place, he was acting in the line and scope of his employment as such. The Defendant, Paul David Seigler was at the time and place of the accident the agent, servant and employee of the Defendant, ... and the accident aforesaid occurred while he was acting within the line and scope of his employment as such.

The Plaintiff avers that the Defendant, Paul David Seigler, was on the date of said accident, to-wit, the first day of September, 1962, a non-resident of the State of Alabama; that his present address is General Delivery, Cottage Hill, Florida, and the Plaintiff prays that service of process upon this Defendant may be had in accordance with the provision of the Code of 1940, Title 7, Section 199. The Plaintiff avers that the Defendant, Cleaster Gross, was on the date of said accident, to-wit, the first day of September, 1962, a non-resident of the State of Alabama; that his present address is Robinson Street, Cantonment, Florida, and the Plaintiff prays that service of process upon this Defendant may be had in accordance with the provision of the Code of 1940, Title 7, Section 199.

5717

WITNESSES:

*[Handwritten signature]*

Defendant, Karl F. Notommatel, can be served at Elberta, Alabama.  
Defendant, Nick Hammett d/b/a Gulf Spreader Service, can be served at Elberta, Alabama.

FILED

SEP 12 1963

FILED  
CLERK  
RECEIVED

CORA M. INGRAM,

Plaintiff,

vs.

KARL P. NOLTENSMEIER, NICK  
HEMMERT, d/b/a Gulf Spreader  
Service, PAUL DAVID SEIGLER  
and CLEASTER GROSS, jointly  
and severally,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA


AT LAW

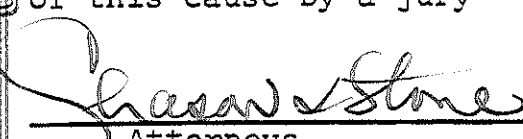
DEMURRER:

Come the Defendants Karl P. Noltensmeier and Nick Hemmert, d/b/a Gulf Spreader Service, and demur to the complaint filed in the above styled cause and each and every count thereof, separately and severally, and assign the following separate and several grounds, viz:

1. That said complaint does not state a cause of action.
2. That there is a misjoinder of parties Defendant in said cause.
3. That said complaint does not state a cause of action against these Defendants.
4. That said complaint does not state any duty owing by these Defendants to the Plaintiff.
5. That said complaint does not allege that the automobile driven by the Defendant Karl P. Noltensmeier collided with the Plaintiff's vehicle.
6. That said complaint claims speculative damages.
7. That count "2." of the complaint does not state any claim against these Defendants.
8. That the Plaintiff cannot recover any damages under count "2." of such complaint.

Defendants demand a trial  
of this cause by a jury

  
Attorneys for Defendants Karl P. Noltensmeier and Nick Hemmert, d/b/a Gulf Spreader Service

  
Attorneys

720.5714

FILED

CORA M. INGRAM,  
Plaintiff,

vs.

KARL P. NOLTENSMEIER, ET AL.  
Defendants.

\* \* \* \* \*

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

\* \* \* \* \*

DEMURRER

\* \* \* \* \*

FILED

NOV 20 1983

ALICE J. DUCK, CLERK  
REGISTER

CORA M. INGRAM,

Plaintiff,

Vs.

KARL P. NOLTENSMEIER, NICK  
HEMMERT d/b/a Gulf Spreader  
Service, PAUL DAVID SEIGLER  
and CLEASTER GROSS, jointly  
and severally,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

1.

Plaintiff claims of the Defendants the sum of FIVE THOUSAND DOLLARS (\$5,000.00) damages, for that heretofore on, to-wit, the 21st day of September, 1962, the Plaintiff, Cora M. Ingram, and both Defendants, Karl P. Noltensmeier and Paul David Seigler were each operating respective motor vehicles on U. S. Highway #90 at a point, to-wit, 2 miles South of the town limits of the Town of Loxley, Alabama; said Highway #90 being a public road in Baldwin County, Alabama; Plaintiff alleges that at said time and place, the Defendants, Karl P. Noltensmeier and Paul David Seigler each so negligently operated their respective motor vehicles on said Highway #90 so as to collide with the Plaintiff's automobile, and as a direct and proximate result of the combined and concurring negligence of Defendants as aforesaid, the Plaintiff was injured and damaged as follows: Her body was bruised and her back was sprained and injured, she was made sick and sore, she was caused to incur medical bills for care and treatment and will probably incur such bills in the future. She was caused to suffer mental and physical pain and anguish, still so suffers, and will so suffer in the future; the automobile she was driving was bent, broken and damaged about the rear end and the left side was bent and broken, the frame was bent and the automobile was a total loss.

That at the time and place of the accident aforesaid, the Defendant, Karl P. Noltensmeier was the agent, servant and employee of the Defendant, Nick Hemmert, d/b/a Gulf Spreader Service, and at that time and place, he was acting in the line and scope of his employment as such. The Defendant, Paul David Seigler was at the time and place of the accident the agent, servant and employee of the Defendant, Cleaster Gross, and the accident aforesaid occurred while he was acting within the line and scope of his employment as such.

2.

The Plaintiff avers that the Defendant, Paul David Seigler, was on the date of said accident, to-wit, the 21st day of September, 1962, a non-resident of the State of Alabama; that his present address is General Delivery, Cottage Hill, Florida, and the Plaintiff prays that service of process upon this Defendant may be had in accordance with the provision of the Code of 1940, Title 7, Section 199. The Plaintiff avers that the Defendant, Cleaster Gross, was on the date of said accident, to-wit, the 21st day of September, 1962, a non-resident of the State of Alabama; that his present address is Robinson Street, Cantonment, Florida, and the Plaintiff prays that service of process upon this Defendant may be had in accordance with the provision of the Code of 1940, Title 7, Section 199.

WILTERS & BRANTLEY

BY: 

Defendant, Karl P. Noltensmeier, can be served at Elberta, Alabama.

Defendant, Nick Hemmert d/b/a Gulf Spreader Service, can be served at Elberta, Alabama.

FILED

SEP 19 1963

ALICE L. DUCK, CLERK  
REGISTER

1876

5717

RECEIVED IN OFFICE

SEP 23 1963

M. S. BUTLER, Sheriff

Executed by serving 6 copies of  
the within on James Baggett  
Secretary of State of The State of  
Alabama.

This the 23 day of Sept 1963

Sheriff of Montgomery County  
M. S. Butler,

By J. S. Butler D. S.

The Sheriff claims 2  
miles at 10c per mile for a total  
of \$ 20

M. S. Butler, Sheriff  
Montgomery County, Ala.

Cora M. Ingram

7/5.

Karl P. Noltensmeier  
et al.

Sheriff claims 144 miles at  
Ten Cents per mile Total \$ 14.40  
TAYLOR WILKINS, Sheriff  
BY Carline Childers  
DEPUTY SHERIFF

FILED

Received 2 SEP day of Oct 1963  
And on ALICE L. HILL day of SEP 1963

I served a copy of the within 8 & C  
on Karl P. Noltensmeier  
Nick Lemmet 11-5-63  
11-4-63

By service on

TAYLOR WILKINS, Sheriff

Carline Childers  
Deputy Sheriff

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Karl P. Noltensmeier, Nick Hemmert d/b/a Gulf Spreader Service, Paul David Seigler and Cleaster Gross to appear within thirty days from the service of this writ in the Circuit Court, to be held for said county at the place of holding the same, then and there to answer the complaint of Cora M. Ingram.

Witness my hand, this 19 day of September, 1963.

Alice J. Luck  
Clerk

64-9-23-63